REMARKS

Applicants acknowledge the indication that claim 4 is free from prior art. Claim 4 is dependent on claim 3 which is dependent on claim 1. Claims 1, 3 and 4 have been combined to form new claim independent claim 19. Claim 19 is free from the prior art. Claims 1, 3 and 4 have been canceled as redundant. Claims 9-18 have been canceled without prejudice or disclaimer as directed to a non-elected invention which may be the subject of a divisional application. The remaining dependent claims have been amended to overcome the rejections under 35 USC 112. All amendments to the claims are fully supported by the application as originally filed and as would be appreciated by one of ordinary skill in the art to which the invention pertains.

The claims now remaining in the application are claims 2, 5, 6, 7, 8 and 19. These claims are in full compliance with 35 USC 112 and are clearly patentable over the references of record.

In addition, Applicants have amended the claims to correct informalities as objected to in the Official Action. Accordingly, the objection to the claims has been obviated and it is therefore most respectfully requested that this objection be withdrawn.

Applicants most respectfully submit that all of the claims now present in the application are in full compliance with 35 U.S.C. 112 and clearly patentable over the references of record.

The rejection of claims 1, 2, 4, 5, 6 and 8 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been carefully considered but is most respectfully traversed in view of the amendments to the claims.

Applicants have amended these claims as suggested by the Examiner and therefore believe that this rejection has been obviated. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claims 1-3 and 5-8 under 35 U.S.C. 102(b) as being anticipated by Niikawa et al. has been carefully considered but is most respectfully traversed in view of the amendments to the claims.

Applicants wish to direct the Examiner's attention to MPEP § 2131 which states that to anticipate a claim, the reference must teach every element of the claim.

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.Cir. 1990).

Niikawa et al. discloses a methanol extract of extracting Ligustrum licidum fruits by applying ether and n-hexane. It is urged that it is able to inhibit the mutagenicity of benzo[a]pyrene in bacterial. However, Niikawa does not teach that the mentioned extract is capable of inhibiting the activity of virus, especially, the activity of Entrovirus, therefore, even one of ordinary skilled in the art cannot infer the anti-virus effect of the extract from Niikawa. Moreover, the present invention is proved that the extract of present invention is capable of inhibiting the virus activity according to the virus analysis, thus the present invention is provided with novelty. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The Examiner urges that Niikawa et al. evaluation substances which inhibited the mutagenicity of benzo[a]pyrene in bacteria. Amongst several protocols, Niikawa et al. performed methanolic extracts of Ligustrum licidum fruits, followed by an ether and n-hexane extraction. It is further noted that the n-hexane layer was evaporated which is considered a purification step because it removes unwanted solvent, thereby further purifying the analyte.

The Examiner concludes that in view of *In re Sussman*, 141 F. 2d 267, 60 USPQ 538 (CCPA 1944), the claims are rejected under 35 U.S.C. 102(b) as well as 35 U.S.C. 112, first and second paragraphs, "that since the steps are the same, the results must inherently be the same unless they are due to conditions not recited in the claims."

The rejection of claims 1, 3 and 8 under 35 U.S.C. 102(b) as being anticipated by Du et al. has been carefully considered but is most respectfully traversed in view of the further amendments to the claims.

Du et al. (1995) discloses the extracting step of Oleanolic acid of Ligustrum lucidum fruits, which further comprises applying the extracting of low polarity solvent (further purification). However, it is not disclosed that the extract and the extract after further purification are able to apply in inhibiting virus activity, especially, the activity of Entrovirus, therefore, even one of ordinary skill in the art cannot infer the anti-virus effect of the extract from Du. This activity is part of the preamble of the claims and it is believed clearly distinguishes over the prior art. Moreover, the present invention is proved that the extract of the present invention is capable of inhibiting the virus activity according to the virus analysis, thus, the present invention is provided with novelty.

In view of the above comments and further amendments to the claims favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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